

FILED

FEB 21 2013

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2010-2465

**RACHEL LEIGH HAGGIN
a.k.a., RACHEL LEIGH BEITZEL**
1049 Dracena Court
Redlands, CA 92374

A C C U S A T I O N

Vocational Nurse License No. VN 243017

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about June 26, 2009, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 243017 to Rachel Leigh Haggin, also known as Rachel Leigh Beitzel (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein, expired on May 31, 2011, and is delinquent status.

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8. Section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substances as defined in Division 10 of the Health and Safety Code, or any dangerous drugs as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license."

REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 2518.6 states, in pertinent part:

• • • •

“(b) A licensed vocational nurse shall adhere to standards of the profession and shall incorporate ethical and behavioral standards of professional practice which include but are not limited to the following:

• • • •

“(4) Abstaining from chemical/substance abuse.”

• • • •

“(c) A violation of this section constitutes unprofessional conduct for purposes of initiating disciplinary action.”

10. California Code of Regulations, title 16, section 2521 states, in pertinent part:

“For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed

1 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
2 vocational nurse to perform the functions authorized by his license in a manner consistent with
3 the public health, safety, or welfare.”

4 **COST RECOVERY**

5 11. Section 125.3 provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 **CONTROLLED SUBSTANCE**

10 12. “Methamphetamine,” is a Schedule II controlled substance as designated by Health
11 and Safety Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug
12 pursuant to section 4022.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Possession of a Controlled Substance)**

15 13. Respondent is subject to disciplinary action under section 2878, subdivision (a), as
16 defined in section 2878.5, subdivision (a), in that Respondent was found to be in possession of a
17 controlled substance, in violation of Health and Safety Code section 11377, subdivision (a). On
18 or about November 7, 2010, during a probation stop by San Bernardino County Sheriff’s
19 Department, Respondent was contacted. During a search of Respondent’s vehicle, the officer
20 found a plastic baggie containing a white crystalline substance in Respondent’s wallet that tested
21 positive for Methamphetamine. Respondent was subsequently arrested for violating Health and
22 Safety Code section 11377, subdivision (a) [possession of a controlled substance]. When asked if
23 it belonged to her Respondent stated, “no.” The officer then asked if there was any
24 Methamphetamine in her system, Respondent stated, “I would probably test positive for meth
25 because I have been around it a lot.” She also added, “I’ve been using methamphetamine off and
26 on for two years.”

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1 granted for a period of 36 months, with terms and conditions. The circumstances surrounding the
2 conviction are that on or about January 2, 2001, Respondent drove a vehicle while her driving
3 privilege was suspended or revoked.

4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board issue a decision:

- 7 1. Revoking or suspending Vocational Nurse License No. VN 243017, issued to
8 Respondent;
9 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
10 enforcement of this case, pursuant to section 125.3; and
11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: **FEB 21 2013**

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14 TERESA BELLO-JONES, J.D., M.S.N., R.N.
15 Executive Officer
16 Board of Vocational Nursing and Psychiatric Technicians
17 Department of Consumer Affairs
18 State of California
19 Complainant

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